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Date: Wed, 5 Sep 2007 09:47:32 -0700 (PDT)

From: "Marla Whitee" <stlproducts@sbcglobal.net> View Contact Details Add Mobile Alert

Subject: Cards v. Lewis RESOLVING THE MATTER ------ CORRECTED IMAGE

To: rsm@cll.com

Exhibit A-A

The computer acting on it's own changed the "heart" sign to letters and symbols. Please disregard the e-mail with error in place of the heart.

Richard

I am having copies made of the requested paper work. In my good faith effort to resolved this matter. Please clarify that you will not object to my;

I "Red Heart"
STL

As Noted:

For purposes of dulition, a party must prove more than confusing similarity of marks; it must show that the marks on their face are "identical"

The Toro Co. v. Torohead, Inc., 61 USPQ2d 1164, 1183 (TTAB 2001).

Carefirst of Maryland Inc. v. Firsthealth of the Carolinas Inc., 77 USPQ2d 1492 (TTAB 2005).

In consideration for the forgoing undertaking the Cardinals Club and MLB will not object to the federal **I LOVE STL** or to its use in business, advertisement, or its use with clothing. Provided it is not affiliated and does not claim any affiliation with St. Louis Baseball, Cardinals Club Baseball, or MLB

Please print and send to myself. I will sign and send back to you with my original signature.

Thanks

Doug

September ______, 2007 September ______, 2007

COWAN, LIEBOWITZ & LATMAN, P.C.
Attorneys for Plaintiff

BY:________________________
Richard S. Mandel (admitted pro hac vice)

1133 Avenue of the Americas
New York , New York 10036-6799
(212) 790-9291

____
DOUGLAS J. LEWIS

4143 Fox Crossing
St. Louis , Missouri 63034

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